

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ARTHUR BABERS,**

**Plaintiff,**

**vs.**

**AMERICAN INTERNATIONAL GROUP, INC;  
AMERICAN GENERAL CORPORATION;  
AMERICAN GENERAL FINANCE, INC.;  
AMERICAN GENERAL FINANCIAL SERVICES  
OF ALABAMA, INC.; AMERICAN GENERAL  
FINANCE CORPORATION;  
MERIT LIFE INSURANCE COMPANY;  
YOSEMITE INSURANCE COMPANY;  
KIMBERLY SINGLETON;  
and Fictitious Defendants “A”,  
“B”, and “C”, whether singular or plural, those  
other persons, corporations, firms, or other  
entities whose wrongful conduct caused  
the injuries and damages to the Plaintiff,  
all of whose true and correct names are  
unknown to Plaintiff at this time, but will  
be substituted by amendment when ascertained,**

**Defendants.**

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\* **Civil Action No.:**  
\* **2:06-cv-00077-WHA**  
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**MOTION TO REMAND**

Plaintiff moves this Honorable Court, pursuant to 28 U.S.C. §1447, to remand this case to the Circuit Court of Bullock County, Alabama, for the following reasons:

1. This Court lacks subject matter jurisdiction over this action.
2. There is no “federal question” to afford this Court jurisdiction pursuant to 28 U.S.C. §1331 because:

(a) This case does not arise under the Constitution, laws, or treatise of United States; and

(b) The only claims asserted by Plaintiff are for violations of Alabama law.

3. Removal is improperly based on the grounds of diversity of citizenship. Defendant Kimberly Milstead f/k/a Kimberly Singleton has not been fraudulently joined and this Court should consider her citizenship.

4. Removal is improper, because Defendants fail to prove that the amount in controversy is satisfied.

5. These issues will be addressed in the Memorandum Brief filed with this Motion.

/s/ Charles Lance Gould  
C. LANCE GOULD (GOU007)  
Attorney for Plaintiff

**OF COUNSEL:**

**BEASLEY, ALLEN, CROW,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 15<sup>th</sup> day of February, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

/s/ Charles Lance Gould  
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